

REMARKS

The independent claims (1, 6, 12, and 14) have been amended better to point out that which applicant regards as his invention. Claim 1 has been revised to specify that (1) the use consent advisability registering means is read by the photographic image reading means per photographic image datum, (2) the claim system includes a fee paying means for executing a fee paying processing for a specific photographic image datum that is registered to give permission to third parties to use the photographic image datum, and (3) the output means outputs the specific photographic image datum, once the fee paying processing is executed by the fee paying means. Claim 3 has been canceled and the dependency of claim 4 has been changed to depend from claim 1.

Claim 6 has been revised to specify that the system claimed there includes fee paying means for executing a fee paying processing for a specific photographic image datum that is to be output together with advertisement image datum and that the output means in the system is for outputting the specific photographic image datum and the advertisement image datum after the fee paying processing is executed by the fee paying means;

Serial No.: 09/785,529

claim 8 accordingly has been canceled. Similar changes have been made in independent method claims 12 and 14 tracking the changes to claims 1 and 6.

The advantage of the system and method of claims 1 and 12 respectively is that the owner of the personal image information and persons associated with the owner of the information can acquire the output matter of the photographic image data (the ultimate product) for no or a low charge in return for permission of third parties to use the photographic image data for a higher fee; see the discussion in the specification at page 5, line 32 to page 6, line 4. The advantage of the system and method of claims 6 and 14 respectively is that it is possible to subtract an advertisement rate from a charge for printed matter on which only the photographic image datum is recorded, permitting the printed matter to be acquired at a low charge; see the discussion in the specification at page 6, lines 5 to 12.

The rejection of claims 1, 5, 12, and 13 under 35 USC 102 over Tipirneni '029 is moot in view of the changes to claims 1 and 12 to include the features from another claim that was not so rejected.

Serial No.: 09/785,529

The rejection of claims 6 and 14 under 35 USC 102 over Sharir et al. '853 is also moot in view of the amendments to claims 6 and 14.

The rejection of claims 2 and 3 under 35 USC 103 as unpatentable over Tipirneni '029 in view of Brady et al. '732, if applied to claims 1 and 2, is respectfully traversed.

The primary reference discloses a medical system that permits access to patient images by a physician. More particularly, the system uses patient images digitized by a camera system (100) and uploads those images together with the patient's information to a host server (110) by an uploader computer (50) permitting a physician to select the name of the patient so that the desired patient's image can be downloaded from a host server (110) to a physician computer (150). The patent discusses verification procedures to be executed when the uploader computer (50) or the physician computer (150) accesses the host server (110). The reference has no mention of registering the advisability of permission for third parties to use the read photographic image datum for photographic image datum or executing a fee paying processing for a specific photographic image datum registered to give permission for third

Serial No.: 09/785,529

parties to use the photographic image datum so that the specific photographic image datum is output after the fee paying process is executed.

The discussion in Brady et al. '372 regarding a payment screen does not teach or suggest the subject matter of claim 1 as amended. Brady et al. '372 describes a system that permits a customer to make additional sales during down time while other transactions are being completed and the discussion at column 11, lines 5 to 10 relates to the payment screen presented to the customer for this additional selection. The reference does not teach or suggest the claimed interrelationship involving the use of consented advisability registering means, the fee paying means, and the output means. The reference clearly does not contemplate the fee adjustment arrangements discussed above. Moreover, it is apparent that Tipirneni '029 relates to a technique for exchanging patient images between patients and physicians; no payment operation is required in that system and it is respectfully submitted that there is no motivation for a person of ordinary skill in the art, save that provided by the instant specification in an attempt artificially to meet limitations of the claims, to combine the teachings of Tipirneni

Serial No.: 09/785,529

et al. '029 and Brady et al. '372. The rejection should be withdrawn.

The rejection of claim 4 under 35 USC 103 as unpatentable over Tipirneni '029 in view of Brady et al. '372 further in view of DiRienzo '191 is also respectfully traversed.

The arguments presented explaining why one would not seek to combine the primary and secondary references appear immediately above. Moreover, the system disclosed in DiRienzo '191 is not that of claim 4. DiRienzo '191 discusses at that portion cited by the Examiner, an arrangement permitting a patient to place a dollar amount on the fee the patient is willing to pay to have a doctor review medical information. The fee is not one to be set for the user of the system as in the present claims. The present invention contemplates adjustment of the fee depending on the relationship of the user of the system to the owner of the photographic image datum.

The rejection of claim 7 under 35 USC 103 as unpatentable over Sharir et al. '853 in view of Kanevsky et al. '109 is respectfully traversed.

The primary reference describes a system permitting replacement or incorporation of advertising images into the

Serial No.: 09/785,529

field of a playing field in a video output. There is no contemplation in either reference of the systems of claims 6 and 7, which specifically call for execution of a fee paying processing for a specific photographic image datum that is to be output together with advertisement image datum after the fee paying processing has been executed by the fee paying means. The rejection should be withdrawn.

The rejection of claim 8 under 35 USC 103 as unpatentable over Sharir et al. '853 in view of Ferguson et al. '092, if applied to claim 6, is respectfully traversed. The secondary reference shows a visual editing system to create commercial on line computer services that permits variation in the setting of fees; see Figure 7 thereof. The reference, however, does not teach or suggest the features of claim 6 and the rejection should be withdrawn.

The rejection of claims 9 and 10 under 35 USC 103 as unpatentable over Sharir et al. '853 in view of Tipirneni '029 and the rejection of claim 11 under 35 USC 103 as unpatentable over Sharir et al. '853 in view of Dobbs et al. '555 are respectfully traversed. The deficiencies of the primary reference have been discussed in detail above. Those

Serial No.: 09/785,529

shortcomings are not made up by the teachings of the secondary references, especially when compared with claims as amended, and the rejection should be withdrawn as well.

The Examiner is thanked for listing references provided with an Information Disclosure Statement.

Applicant seeks clarification regarding the acknowledgment that some of the certified copies of the priority documents have been received. The documents filed August 6, 2001 included certified copies of each of the two Japanese patent applications for which priority under 35 USC 119 is claimed. The Examiner is asked to clarify the matter.

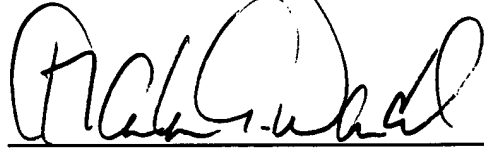
In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in condition for allowance and a USPTO paper to those ends is earnestly solicited.

Serial No.: 09/785,529

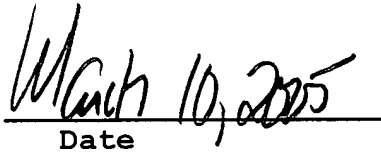
The Examiner is requested to telephone the undersigned if additional changes are required prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

A handwritten signature in dark ink, appearing to read "Charles A. Wendel", written over a horizontal line.

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A handwritten date "March 10, 2005" written in dark ink over a horizontal line.

Date

CAW/ch

Attorney Docket No.:DAIN:577

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